



**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE, NO. 01-244  
(Judge Charles W. Cope)

Case No. SC01-2670

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**SPECIAL COUNSEL'S RESPONSE**

**TO RESPONDENT'S MOTIONS TO SEAL**

The Special Counsel hereby responds to Respondent's Motions to Seal and states:

The Special Counsel objects to Respondent's Motions to Seal. Because formal charges have been filed and the matter is now before the Hearing Panel, granting Respondent's requests would result in a violation of Article V, section 12(a)(4) of the Florida Constitution, which provides, "upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public." Fla. CONST. art. V, §12(a)(4).

WHEREFORE, the Special Counsel requests that the Hearing Panel deny Respondent's Motions to Seal.

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Louis Kwall, Esq.**, Kwall, Showers & Coleman, P.A., 133 N. St. Harrison Ave., Clearwater, Florida 33755; **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602 this 28th day of February, 2002.

By:

John S. Mills, Esq.

Florida Bar No. 0107719

HeatherAnn M. Solanka

Florida Bar No. 0497347

Special Counsel

Florida Judicial Qualifications Commission

Foley & Lardner

200 Laura Street

Jacksonville, Florida 32201-0240

(904) 359-2000 Telephone

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